

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

<p>EMILIO L. VOZZOLO, on behalf of himself and all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>AIR CANADA,</p> <p style="text-align: center;">Defendant.</p>	<p>Civil Action No.: 7-20-cv-03503 (PMH)</p>
<p>THOMAS PIERCY, on behalf of himself and al others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>AIR CANADA,</p> <p style="text-align: center;">Defendant.</p>	<p>Civil Action No.: 1:20-cv-04988 (PMH)</p>
<p>NIKKI M. ABSKARON, PETER A. ABSKARON, and BARRY WINOGRAD, on behalf of themselves and all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p>AIR CANADA,</p> <p style="text-align: center;">Defendant.</p>	<p>Civil Action No.: 7:20-cv-11037 (PMH)</p>

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, Plaintiffs Vozzolo, Winograd, and Piercy hereby move this Court, the Honorable Philip M. Halpern, for an Order Issuing a Preliminary Injunction. Plaintiffs respectfully request that the Court direct Air Canada to place into escrow 30% of any yet to be paid refunds<sup>1</sup> to putative class members pending

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<sup>1</sup> As used herein, “refunds” shall include both cash and vouchers payable under Air Canada’s “Covid-19 Goodwill Period” change in refund policy. *See Vozzolo*, ECF No. 38.

a determination of whether the claims of the class are mooted and if so, whether Plaintiffs' suits were a substantial cause of the refund policy change. Pursuant to Rule 2.C of Your Honor's Individual Practices in Civil Litigation, Plaintiffs did not write a pre-conference letter to the Court in advance of this motion because, as discussed in the supporting Memorandum of Law, delay could result in a loss of their rights.

DATED: June 29, 2021

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